

Office of the City Attorney

Richard Doyle, City Attorney

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T*he Office of the City Attorney is committed to providing excellent legal services, consistent with the highest professional and ethical standards, to the City and Redevelopment Agency, with the goal of protecting and advancing their interests in serving the people of San José*

City Service Area

Strategic Support

Core Services

Legal Representation

Advocate, defend, and prosecute on behalf of the City's and Redevelopment Agency's interests

Legal Transactions

Provide oral and written advice on legal issues and prepare documents to implement official City and Redevelopment Agency actions

Strategic Support: Office Management and Analysis, Fiscal Control/Budget Preparation, Personnel Administration/Human Resources, Computer Network Management, Facility Management, Records and File Maintenance, Law Library Maintenance, and Contract Administration

Office of the City Attorney

Department Budget Summary

	2008-2009 Actual 1	2009-2010 Adopted 2	2010-2011 Forecast 3	2010-2011 Adopted 4	% Change (2 to 4)
Dollars by Core Service					
Legal Representation	\$ 7,384,612	\$ 6,912,885	\$ 7,402,387	\$ 5,912,311	(14.5%)
Legal Transactions	6,128,127	6,558,084	7,295,432	6,411,356	(2.2%)
Strategic Support	1,591,653	1,416,370	1,544,978	1,295,721	(8.5%)
Total	\$ 15,104,392	\$ 14,887,339	\$ 16,242,797	\$ 13,619,388	(8.5%)
Dollars by Category					
Personal Services					
Salaries/Benefits	\$ 14,070,327	\$ 14,091,924	\$ 15,448,382	\$ 12,829,973	(9.0%)
Overtime	6,758	54,416	54,416	54,416	0.0%
Subtotal	\$ 14,077,085	\$ 14,146,340	\$ 15,502,798	\$ 12,884,389	(8.9%)
Non-Personal/Equipment	1,027,307	740,999	739,999	734,999	(0.8%)
Total	\$ 15,104,392	\$ 14,887,339	\$ 16,242,797	\$ 13,619,388	(8.5%)
Dollars by Fund					
General Fund	\$ 13,606,587	\$ 12,789,748	\$ 14,019,987	\$ 11,545,403	(9.7%)
Airport Maint & Oper	595,335	529,715	566,622	548,913	3.6%
Federated Retirement	0	49,807	53,426	53,426	7.3%
Home Invest Partnership	407	9,692	10,557	10,557	8.9%
Integrated Waste Mgmt	0	29,981	32,943	32,943	9.9%
Low/Mod Housing	452,379	645,141	681,876	674,858	4.6%
Sewer Svc & Use Charge	390,604	453,320	473,723	411,755	(9.2%)
SJ/SC Treatment Plant Oper	59,080	102,651	110,566	110,566	7.7%
Workforce Investment Act	0	277,284	293,097	230,967	(16.7%)
Total	\$ 15,104,392	\$ 14,887,339	\$ 16,242,797	\$ 13,619,388	(8.5%)
Authorized Positions	92.62	89.00	89.00	81.00	(9.0%)

Office of the City Attorney

Budget Reconciliation

(2009-2010 Adopted to 2010-2011 Adopted)

	Positions	All Funds (\$)	General Fund (\$)
Prior Year Budget (2009-2010):	89.00	14,887,339	12,789,748
Base Adjustments			
Technical Adjustments to Costs of Ongoing Activities			
• Salary/benefit changes		804,195	668,976
• Vacancy Rate Adjustment		193,907	193,907
• Restore one-time furlough savings		193,510	193,510
• Restore one-time vacancy savings		112,988	122,988
• Restore one-time Professional Development Program suspension		51,858	51,858
• Changes in vehicle maintenance and operations costs		(1,000)	(1,000)
Technical Adjustments Subtotal:	0.00	1,355,458	1,230,239
2010-2011 Forecast Base Budget:	89.00	16,242,797	14,019,987
Budget Proposals Approved			
1. Office of the City Attorney Total Employee Compensation Reduction		(834,852)	(834,852)
2. Chief Trial Attorney Staffing	(1.00)	(291,652)	(247,718)
3. Chief Deputy City Attorney Staffing	(1.00)	(260,284)	(234,139)
4. False Claims Act Litigation Staffing		(219,165)	(158,294)
5. Attorney's Office Administrative Support Staffing	(2.00)	(215,728)	(215,728)
6. Senior Deputy City Attorney Staffing	(1.00)	(213,954)	(212,488)
7. Deputy City Attorney Staffing	(1.00)	(125,918)	(125,918)
8. Municipal Solar Grant Program Staffing		(125,000)	(125,000)
9. Attorney's Office Management and Professional Employees Total Compensation Reduction		(120,160)	(103,751)
10. Senior Legal Analyst Staffing	(1.00)	(119,010)	(119,010)
11. SJRA Budget Reduction - Strong Neighborhoods Initiative	(1.00)	(92,686)	(92,686)
12. Attorney's Office Non-Personal/Equipment Funding		(5,000)	(5,000)
Total Budget Proposals Approved	(8.00)	(2,623,409)	(2,474,584)
2010-2011 Adopted Budget Total	81.00	13,619,388	11,545,403

Office of the City Attorney

Budget Changes By Department

Adopted Budget Changes	Positions	All Funds (\$)	General Fund (\$)
1. Office of the City Attorney Total Employee Compensation Reduction		(834,852)	(834,852)
<i>Strategic Support CSA</i>			
<i>Legal Representation</i>			
<i>Legal Transactions</i>			
<i>Strategic Support</i>			

As a result of compensation reductions for various bargaining groups as approved by the City Council on June 22, 2010, this action reflects a 10% reduction in total compensation costs, of which 5% is ongoing, for various bargaining units (AEA, ALP, AMSP, CAMP, IBEW, and OE3); an additional 5% total compensation reduction for Executive Management and Professional Employees and Unrepresented Employees (Units 99 and 81/82) for a total 10% reduction in compensation, of which 5% is ongoing; and a 5% reduction in ongoing total compensation costs for ABMEI. The savings generated from these actions helped address the General Fund shortfall, thereby retaining City services which would otherwise have been eliminated.

The compensation adjustment actions, which vary by employee group, include: general wage decreases, freezing of merit increases, additional employee contributions to retirement to offset the City's contributions, healthcare cost sharing changes (from 90% City/10% employee to 85% City/15% employee), healthcare plan design changes including increased co-pays, and changes in healthcare in lieu, healthcare dual coverage, and disability leave supplement. The specific actions are described in each bargaining unit's agreement with the City that can be found at: <http://www.sanjoseca.gov/employeeRelations/labor.asp>.

These compensation actions generate savings of \$8.6 million in the General Fund, offset by overhead and other reimbursement losses of \$856,000, resulting in total net General Fund savings of \$7.7 million. In the Office of the City Attorney, the General Fund savings totals \$834,852 as reflected in the 2010-2011 Adopted Budget. It should be noted that because of the timing of the concession agreements, the total value of the savings in all other funds is not yet available. Compensation savings generated for other funds will be brought forward as part of the 2009-2010 Annual Report, to be released on September 30, 2010. (Ongoing General Fund savings: \$417,426)

Performance Results: N/A

Office of the City Attorney

Budget Changes By Department (Cont'd.)

Adopted Budget Changes	Positions	All Funds (\$)	General Fund (\$)
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2. Chief Trial Attorney Staffing	(1.00)	(291,652)	(247,718)
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Strategic Support CSA
Legal Representation

This action eliminates the Chief Trial Attorney position, vacant since March 2010. For many years, the Chief Trial Attorney and Assistant City Attorney shared responsibility for management of the Litigation Division. Upon retirement of the Assistant City Attorney in March 2010, the Office merged the responsibilities of these two senior management positions to save costs. Now, supervision of the Litigation Division will be the sole responsibility of a single Assistant City Attorney, supported by four "lead" Senior Deputy City Attorneys who will assist in coordinating matters for certain assigned practice areas, while also continuing to manage a regular caseload. This reallocation of resources will result in reduced service delivery and delayed turnaround times on lower priority assignments. With an appropriate reduction in services, the Office will be in a better position to maintain the necessary quality of work with regard to the remaining services it provides. (Ongoing savings: \$292,246)

Performance Results:

Cycle Time Turnaround times on lower priority items will be delayed; however, the Office will continue to defend lawsuits filed against the City and meet legally mandated due dates.

3. Chief Deputy City Attorney Staffing	(1.00)	(260,284)	(234,139)
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Strategic Support CSA
Legal Transactions

This action eliminates a Chief Deputy City Attorney position that has been vacant since June 2010. The elimination of this position will result in a decrease in the level of transactional services currently provided by the Office. The majority of the workload has been distributed to other attorneys; however, the ability to do so is limited as many attorneys are already performing at capacity. The Office will continue to streamline processes and seek technology enhancements to maximize efficiency, and at the same time, will work with the clients to identify areas where services can be modified. With an appropriate reduction in services, the Office will be in a better position to maintain the necessary quality of work with regard to the remaining services it provides. (Ongoing savings: \$261,039)

Performance Results:

Cycle Time Turnaround times on lower priority items will be delayed; however, the Office will continue to meet legally mandated due dates.

Office of the City Attorney

Budget Changes By Department (Cont'd.)

Adopted Budget Changes	Positions	All Funds (\$)	General Fund (\$)
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4. False Claims Act Litigation Staffing		(219,165)	(158,294)
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Strategic Support CSA
Legal Representation

This action reallocates funding for 1.0 Deputy City Attorney position from the General Fund and the Workforce Investment Act Fund to the False Claims Act appropriation for 2010-2011, which was established with funds collected by the Office from a litigation settlement in 2009-2010. To comply with State law, a portion of the settlement funds must be used in the ongoing investigation and prosecution of false claims made against the City. (Ongoing savings: \$0)

Performance Results:

No impacts to current service levels are anticipated as a result of this action.

5. Attorney's Office Administrative Support Staffing	(2.00)	(215,728)	(215,728)
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Strategic Support CSA
Legal Representation
Legal Transactions

This action eliminates 2.0 Legal Administrative Assistant positions, both of which have been vacant since May 2010. The majority of the workload will be distributed to other staff. Office operations will be modified to address the staffing shortage; however, turnaround times will increase on lower priority assignments, and the level of support services will be reduced. With an appropriate reduction in services, the Office will be in a better position to maintain the necessary quality of work with regard to the remaining services it provides. (Ongoing savings: \$216,512)

Performance Results:

Cycle Time Reduced service levels and increased cycle times will be experienced as a result of this action.

Office of the City Attorney

Budget Changes By Department (Cont'd.)

Adopted Budget Changes	Positions	All Funds (\$)	General Fund (\$)
6. Senior Deputy City Attorney Staffing	(1.00)	(213,954)	(212,488)

Strategic Support CSA
Legal Representation

This action eliminates a Senior Deputy City Attorney position that has been vacant since June 2010. The elimination of this position will result in a decrease in the level of litigation services currently provided by the Office. The majority of the workload has been distributed to other attorneys; however, the ability to do so is limited as many attorneys are already performing at capacity. The Office will continue to streamline processes and seek technology enhancements to maximize efficiency, and at the same time, will work with the clients to identify areas where services can be modified. With an appropriate reduction in services, the Office will be in a better position to maintain the necessary quality of work with regard to the remaining services it provides. This reduction may increase the City's overall legal costs if it becomes necessary to hire outside counsel, and may also reduce the revenue generated by the Office, as legal collection actions are discretionary, unlike the mandatory defense of lawsuits filed against the City that will be a priority to defend. (Ongoing savings: \$206,250)

Performance Results:

Cycle Time, Cost Service levels will be reduced and turnaround times on lower priority items will be delayed. Revenue collections may decrease; however, the Office will continue to defend lawsuits filed against the City and meet legally mandated due dates.

7. Deputy City Attorney Staffing	(1.00)	(125,918)	(125,918)
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Strategic Support CSA
Legal Representation

This action eliminates a Deputy City Attorney position that has been vacant since June 2009. The position is one of four attorney positions in the Workers' Compensation Unit. The workload will continue to be handled by the remaining attorneys, which will result in reduced service delivery and delayed turnaround times on lower priority assignments. Additionally, 3.0 Deputy City Attorney positions will be eliminated effective July 1, 2011. (Ongoing savings: \$563,162)

Performance Results:

Quality, Cycle Time Turnaround times on lower priority items will be delayed; however, the Office will continue to appear in court and meet legally mandated due dates.

8. Municipal Solar Grant Program Staffing		(125,000)	(125,000)
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Strategic Support CSA
Legal Transactions

This action shifts funding for 0.50 of a Senior Deputy City Attorney from the General Fund to the Municipal Solar Grant Program for legal services provided to the program. This Program has been directly charged for legal services since the grant was approved in December 2009. (Ongoing savings: \$0)

Performance Results:

No impacts to current service levels are anticipated as a result of this action.

Office of the City Attorney

Budget Changes By Department (Cont'd.)

Adopted Budget Changes	Positions	All Funds (\$)	General Fund (\$)
9. Attorney's Office Management and Professional Employees Total Compensation Reduction		(120,160)	(103,751)

Strategic Support CSA

Legal Representation

Strategic Support

This action is a reduction in personnel costs equivalent to 5% of total compensation for Appointees, Executive Management, and Professional Employees (Unit 99). The savings generated from these actions helps address the General Fund shortfall, thereby retaining City services which may otherwise have been eliminated. The compensation adjustments include a 4.75% general wage decrease, freezing of merit increases, healthcare cost sharing changes (from 90% City/10% employee to 85% City/15% employee), healthcare plan design changes including increased co-pays, and changes in healthcare in lieu, healthcare dual coverage, and disability leave supplement. These actions result in savings of \$1.23 million in the General Fund including overhead loss and \$2.1 million in all funds. In the Attorney's Office, savings total \$103,751 in the General Fund, \$120,160 in all funds. (Ongoing savings: \$120,160)

Performance Results: N/A

10. Senior Legal Analyst Staffing	(1.00)	(119,010)	(119,010)
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Strategic Support CSA

Legal Representation

Legal Transactions

Strategic Support

This action eliminates a Senior Legal Analyst position that has been vacant since January 2010. The workload has been distributed to other managers; however, the ability to do so is limited as the other managers are already operating at maximum capacity. The Office will continue to streamline processes and seek technology enhancements to maximize efficiency, and at the same time, will modify services to match the staffing level. With an appropriate reduction in services, the Office will be in a better position to maintain the necessary quality of work with regard to the remaining services it provides. (Ongoing savings: \$119,440)

Performance Results:

Cycle Time Reduced service levels, experienced as a result of this vacancy, will continue and cycle times will increase.

Office of the City Attorney

Budget Changes By Department (Cont'd.)

Adopted Budget Changes	Positions	All Funds (\$)	General Fund (\$)
11. SJRA Budget Reduction – Strong Neighborhoods Initiative	(1.00)	(92,686)	(92,686)
Strategic Support CSA			
<i>Legal Representation</i>			
<p>This action eliminates three positions (1.0 Legal Administrative Assistant II effective July 1, 2010, 1.0 Senior Deputy City Attorney effective July 1, 2011, and 1.0 Legal Analyst II effective July 1, 2011) that perform legal services and support for the Strong Neighborhoods Initiative. The SJRA currently reimburses the City for these Agency-related services; however, due to financial constraints, the SJRA can no longer support this function. The reduction strategy is consistent with the City Council's approval of the Mayor's March Budget Message for 2010-2011 in that any reductions in SJRA reimbursements should be accompanied by a corresponding reduction in City support costs. (Ongoing savings: \$423,006)</p>			
Performance Results:			
No impacts to current service levels are anticipated as a result of this action.			
12. Attorney's Office Non-Personal/Equipment Funding		(5,000)	(5,000)
Strategic Support CSA			
<i>Legal Representation</i>			
<i>Legal Transactions</i>			
<p>This action reduces the General Fund non-personal/equipment allocation by \$5,000 on an ongoing basis. This reduction requires the Department to re-prioritize all travel-related expenses. (Ongoing savings: \$5,000)</p>			
Performance Results:			
No impacts to current service levels are anticipated as a result of this action.			
2010-2011 Adopted Budget Changes Total	(8.00)	(2,623,409)	(2,474,584)

Office of the City Attorney

Departmental Position Detail

Position	2009-2010 Adopted	2010-2011 Adopted	Change
Accounting Technician	1.00	1.00	-
Assistant City Attorney	2.00	2.00	-
Associate Deputy City Attorney	1.00	1.00	-
Chief Deputy City Attorney	4.00	3.00	(1.00)
Chief Trial Attorney	1.00	0.00	(1.00)
City Attorney	1.00	1.00	-
Deputy City Attorney	11.00	10.00	(1.00)
Executive Assistant	1.00	1.00	-
Legal Administrative Assistant	13.00	10.00	(3.00)
Legal Analyst II	13.00	13.00	-
Legal Services Administrator	1.00	1.00	-
Legal Services Manager	1.00	1.00	-
Network Engineer	1.00	1.00	-
Office Specialist II	2.00	2.00	-
Police Officer	2.00	2.00	-
Police Sergeant	1.00	1.00	-
Senior Deputy City Attorney	29.00	28.00	(1.00)
Senior Legal Analyst	4.00	3.00	(1.00)
Total Positions	89.00	81.00	(8.00)